

**Exhibit C**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Mohamed John Akhtar and  
La Buca Restaurant, Inc. d/b/a  
Swing 46 Jazz and Supper Club,

Plaintiffs,

v.

Eric Adams, Mayor of the City of  
New York, Rohit T. Aggarwala, New  
York City Department of  
Environmental Protection, Eric I.  
Eisenberg, and John and Jane  
Does One through Thirty,

Defendants.

Case No. 23-cv-6585 (JGLC)(VF)

Declaration of Michelle Collier

I, Michelle Collier, of full age declare and affirm, under the penalty of perjury, to the truth of the following.

1. I am a resident of the City of New York and I have been an entertainer at La Buca Restaurant, Inc., d/b/a Swing 46 Jazz and Supper Club (hereinafter “Swing 46”) for the past ten years. I am aware of the challenges Swing 46 and its owner, Mohammed Akhtar, (also known as John), are facing.

2. In addition to entertaining as a singer, I help out at the club with various

jobs, such as event planning, promoting, reservations, greeting guests, etc.

3. Swing 46, located on what is famously known as Restaurant Row, provides a unique blend of music, live musicians, and lessons in swing dance. It is a big draw for tourists, which is an asset for the City of New York. Most significantly, it is a source of employment for many of New York City's best performers.

4. The entire community of performers, restaurants, and clubs barely made it through the Covid epidemic; many did not. Now there is another epidemic (financial) caused largely by the fraudulent conduct of an individual known as Eric M. Eisenberg (hereinafter "Eisenberg").

5. There came a time when Swing 46 was hit with a stunning number of noise complaints, enforced by the N.Y.C. Department of Environmental Protection (hereinafter "DEP".) What I came to learn is that DEP has delegated its enforcement responsibilities to private citizens. There is a bounty granted to citizens for summonses issued. This may have encouraged Eisenberg, and perhaps for other reasons, to fabricate claims of excessively loud music he claims he can hear blasted outside of Swing 46.

6. Starting in or around 2022, Eisenberg has been seen prowling the streets around and after dusk, sneaking on to the property of Swing 46. I am aware he has been recorded while trespassing upon Swing 46 property. He has been observed placing what appears to be a cell phone on either the windows of the club or the patio

speakers in the ceiling. In spite of what Eisenberg has alleged, never have I heard the sound of music being audible beyond the patio.

7. I have personally encountered Eisenberg when he has come onto the property of Swing 46 where he was told repeatedly not to trespass. Yet, he continued to return where he is not welcome. I have observed him climbing up a pole to recessed speakers in the center awning over the entrance and placing what appeared to be a cell phone directly upon the speaker.

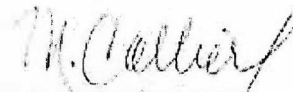
8. Eisenberg also has disturbed patrons dining on Swing 46's patio. He once frightened young girls that were dining with their family, yelling at the host and cursing in a loud, offense manner. He is purposely disrupting business and causing problems for everyone. His behavior was inexcusable, disturbing and menacing.

9. The challenges that Swing 46 Jazz's owner, Mohammed (John) Akhtar, faces because of Eisenberg's misconduct are enormous, burdensome, unsettling and he should be held accountable. The financial impact is devastating. The club has gotten into serious debt because of the false claims Eisenberg has filed. This is untenable for a small business to deal with.

10. Eisenberg, because of his prowling and hanging around the club, and falsifying an overwhelming number of summonses against this business, gives the appearance that he is specially targeting the business owner, Mohammed (John) Akhtar. I have observed no other individual engage in this activity.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Dated: March 20, 2025

  
Michelle Collier